

[Proposed Draft]

EXECUTIVE ORDER _____

ESTABLISHING THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. There is hereby established the President's Foreign Intelligence Advisory Board, hereinafter referred to as "the Board". The Board shall:

(1) advise the President concerning the objectives, conduct, management and coordination of the various activities making up the over all national foreign intelligence effort, and including evaluation of priorities of major programs;

(2) conduct a continuing review and assessment of foreign intelligence and related activities in which the Central Intelligence Agency and other Government departments and agencies are engaged;

(3) receive, consider and take appropriate action with respect to matters identified to the Board, by the Central Intelligence Agency and other Government departments and agencies of the intelligence community, in which the support or advice of the Board will further the effectiveness of the national foreign intelligence effort; and

(4) report to the President periodically concerning the Board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the Government's foreign intelligence effort in meeting national intelligence needs.

Section 2. In order to facilitate the Board's functions, the Director of Central Intelligence and the heads of all other departments and agencies shall make available to the Board all information with respect to foreign intelligence and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order. Such information made available to the Board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and under security measures established by the Chairman of the Board in consultation with the Director of Central Intelligence.

Section 3. Members of the Board shall be appointed by the President on a non-partisan basis from among persons outside the Government. The President shall designate one of the Board's members to serve as Chairman. The Board's members shall be exceptionally qualified on the basis of knowledge and experience in matters relating to the national defense and security, or possessing other knowledge and abilities which may be expected to contribute to the effective performance of the Board's duties. The members of the Board shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter. The Chairman is authorized to appoint consultants to the Board who shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter.

- 2 -

Section 4. The Chairman shall appoint three members of the Board, on a rotating basis, to serve as an Intelligence Oversight Committee, hereinafter referred to as "the Committee", and the Chairman shall also appoint one of these members to be the Chairman of such Committee. The Committee shall:

(1) review periodically the practices and procedures of the Inspectors General and General Counsels with responsibilities for agencies within the intelligence community for discovering and reporting to the Committee intelligence activities that raise questions of legality or propriety, and consider written and oral reports from such Inspectors General and General Counsels;

(2) review periodically for adequacy the internal guidelines of each agency within the intelligence community concerning the legality or propriety of intelligence activities;

(3) report periodically to the President through the Chairman of the Board on its findings regarding any intelligence activities that raise serious questions of legality or propriety;

(4) conduct such investigations of the intelligence activities of agencies within the intelligence community as the Committee deems necessary to carry out its functions under the provisions of this Order.

Section 5. Inspectors General and General Counsels with responsibility for agencies within the intelligence community shall:

(1) formulate practices and procedures for discovering and reporting to the Committee intelligence activities that raise questions of legality or propriety; transmit timely reports to the Committee regarding activities that raise such questions; transmit information requested by the Committee regarding such activities; and report actions taken concerning the Committee's findings regarding such activities.

(2) report to the Committee any occasion on which the Inspectors General or General Counsels were directed not to report any intelligence activity to the Committee which they believed raised questions of legality or propriety.

Section 6. The Board shall have a staff headed by an Executive Secretary, who shall be appointed by the President and shall receive such compensation and allowances, consonant with law, as may be prescribed by the Board. The Executive Secretary shall be authorized, subject to the approval of the Board and consonant with law, to appoint and fix the compensation of such personnel as may be necessary for performance of the Board's duties.

Section 7. Compensation and allowances of the Board, the Executive Secretary, members of the staff and consultants, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, Public Law 90-350, 82 Stat. 195, and, to the extent permitted by law, from any corresponding appropriation which may be made for subsequent years.* Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

* [An updated citation is required.]

- 3 -

Section 8. Sections 3-1, 3-2, in their entirety, and Subsections 3-301, 3-303, and 3-304 of Executive Order No. 12036 of January 24, 1978, are hereby revoked.

[Presidential signature]

The White House.

[date]